

REMARKS

The Examiner's comments and grounds of rejection raised in the Office Action dated February 2, 2003 have been carefully considered by the Applicant. To further the prosecution of the present application, the specification and the figures have been amended.

In the Claims

Claims 1 and 21 have been amended in order to properly introduce the correct term *crotch region* in lieu of the incorrect one *crouch region*. Such amendments have been carried out in accordance with point 1 of the Examiner's Detailed Action.

It is seen that proposed amendments do not add new subject matter to the original disclosure.

The Examiner's remarks at points 2 and 3 about patentability of the subject-matter of the claims have been carefully considered by the Applicant and the cited prior art documents have been studied in depth. In view of this, Applicant would like to respectfully point out the following.

U.S. Patent No. 6,393,618 in the name of Garneau, fails to disclose or even suggest the use of a stretch material for the manufacturing of the seat pad, while the Applicant's claim 1 explicitly recites a *double-stretch padding* with a *double-stretch support*.

Thus Applicant strongly believes that, according to the above structural difference over the cited document, the claimed protective element for cycling shorts is novel over the prior art.

Such feature not only is not found in the prior art but also provides for a great advantage over said same prior art, in that it improves the working efficiency of the whole cycling shorts and obtain results which are not within the reach of the prior art.

In fact, the protective element claimed by the Applicant, being manufactured

from *double-stretch* materials, results in an much more adaptable seat pad than the Gameau's one. In fact, the latter is defined to be only *flexible* (abstract and claim 1). Incidentally, Applicant respectfully points out that the cited Gameau's patent No. 6,393,618 was filed on June 8, 2001, while the priority document of the present application was filed well before, on August 10, 2000. Thus, the only related document which is suitable for objecting patentability of the Applicant's claims is Gameau's Provisional Application No. 60/211,278 filed on June 13, 2000. In the whole specification of such Provisional Application, the term *flexible* is not even employed, neither with respect to the seat pad, nor with respect to the materials used for its manufacturing.

Notwithstanding the above, it is observed that the skilled person immediately understands that a 'flexible' element can easily undergo deformations perpendicular to its own surface; in other words, it can assume any curved shape with a single camber. In view of this, for instance, if the 'flexible' element had been a flat one, it would not have been able to assume a spherical shape and vice versa.

The characterizing feature of being *double-stretch* permits to the claimed protective element to easily undergo deformations such as stretching or elongation; it can assume curved shapes with multiple cambers. In view of this, for instance, the double-stretch element would have been able to assume a spherical shape even if it had been a flat one, and vice versa. Such feature is necessary in order to adapt to the ever changing and complex shape of the crotch region during cycling action. In this way, *folds producing additional irritation regions* (specification page 2, line 18) are avoided and the desired comfort of the wearer is achieved.

Thus Applicant strongly believes that, according also to the advantages over the known seat pads, the claimed *protective element for cycling shorts* is inventive over the prior art and fulfills all the patentability requirements.

Finally Applicants points out that also the other mentioned documents fail to disclose a stretch padding. Bright's Patent No. 5,978,970 reads (column 3, lines 49-50) *Crotch cushion can be fabricated from almost any semi-ridged material that exhibits some degree of flexure*, in analogy with Gameau's one, while Black's Patent No. 4,961,233 reads (column 2, lines 62-63) *The chamois is made of a strong,*

soft, supple, nonextensible fabric material...

In view of the foregoing, entry of the above amendment into the file and allowance of claims 1-22 is respectfully requested.

Should the Examiner believe that the application would be still pending because of minor deficiencies, an informal phone conversation or an Examiner's Amendment are kindly requested by the Applicant.

Respectfully submitted,



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